

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 471 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 health, professions and occupations.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert: SECTION 1. IC 35-46-7 IS ADDED TO THE
- 6 INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2001]:
- 8 **Chapter 7. Offenses Against Persons Receiving Care**
- 9 **Sec. 1. As used in this chapter, "health care provider" means:**
- 10 **(1) a hospital licensed under IC 16-21;**
- 11 **(2) a health facility licensed under IC 16-28;**
- 12 **(3) a housing services establishment that is required to file a**
- 13 **disclosure statement under IC 12-15;**
- 14 **(4) a continuing care retirement community that is required**
- 15 **to file a disclosure statement under IC 23-2-4;**
- 16 **(5) a home health agency licensed under IC 16-27;**
- 17 **(6) a hospice licensed under IC 16-25;**
- 18 **(7) an entity that provides licensed or certified health care**
- 19 **professionals to:**
- 20 **(A) a health care provider; or**
- 21 **(B) a person who is in need of, or receives, professional**
- 22 **health care services;**
- 23 **(8) a community mental health center (as defined in**
- 24 **IC 12-7-2-38);**
- 25 **(9) a private psychiatric hospital licensed under IC 12-25;**
- 26 **(10) a state institution (as defined in IC 12-7-2-184); or**
- 27 **(11) a community residential facility for the developmentally**

1 disabled that is licensed under IC 12-28-5.

2 **Sec. 2. This chapter does not apply to the following:**

3 (1) A gift or donation of money or other asset given to:

4 (A) a health care provider in the corporate name of the
5 health care provider; or

6 (B) an entity that is organized under Section 501(c)(3) of
7 the Internal Revenue Code.

8 (2) A gift or loan of money or other asset given by a person
9 who receives services from a health care provider to a
10 member of the person's family who:

11 (A) is employed by a health care provider; or

12 (B) owns, wholly or jointly, a health care provider.

13 (3) A bequest of personal property or devise of real property
14 made in an executable will as described in IC 29-1-5-5 to a
15 health care provider, an owner, an employee, or an agent of
16 a health care provider.

17 (4) The purchase of a security (as defined in IC 23-2-1-1) that
18 is traded on a national or regional exchange.

19 (5) A gift or gratuity, not exceeding five hundred dollars
20 (\$500) in the aggregate per year per protected person, to an
21 employee of a health care provider.

22 (6) A gift or donation of money or other asset given to
23 purchase or otherwise acquire a product, service, or amenity
24 for the use, entertainment, or enjoyment of persons receiving
25 services from a health care provider.

26 **Sec. 3. (a) The following transactions are subject to the**
27 **requirements of subsection (b):**

28 (1) A gift, a donation, a loan, or an investment from a person
29 who receives services from a health care provider to an
30 owner, employee, or agent of the health care provider in the
31 name of the owner, employee or agent.

32 (2) A loan or an investment from a person who receives
33 services from a health care provider to the health care
34 provider in the corporate name of the health care provider.

35 (b) A transaction under subsection (a) must be executed in
36 writing and witnessed by two (2) disinterested parties. Each
37 witness shall sign a document that describes the transaction in the
38 presence of:

39 (1) the person who makes the transaction; and

40 (2) the other witness.

41 (c) A health care provider, or an owner, an employee, or an
42 agent of a health care provider, who:

43 (1) receives a gift, a donation, a loan, or an investment from
44 a person who receives services from a health care provider;
45 and

46 (2) fails to conform with the requirements of subsection (b);
47 commits a Class A infraction. Without regard to the amount of the
48 transaction, the court that imposes the penalty for the infraction
49 violation may, upon the request of the prosecuting attorney, order
50 the person to pay the amount received in violation of this section,
51 plus interest from the date of the transaction, to the protected
52 person or the estate of the protected person.

- 1 Renumber all SECTIONS consecutively.
(Reference is to ESB 471 as printed April 9, 2001.)

Representative BROWN C